

REMARKS

1. Introduction

Claims 1, 17 and 26 are cancelled and claims 28-52 have been added. Therefore, claims 2-16, 18-25 and 27-52 are pending.

2. Claim Objections

The Examiner objected to all of the claims because of various informalities. Appropriate amendments have been made. All pending claims are believed to comport with the practices and procedures of the United States Patent and Trademark Office.

3. Claim Rejections – 35 U.S.C. § 112

Specified claims were rejected pursuant to 35 U.S.C. section 112, second paragraph as allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Appropriate amendments have been made. All pending claims are believed to comport with the provisions of 35 U.S.C. § 112.

4. Claim Rejections – 35 U.S.C. § 102

Claims 3 and 18 were rejected as allegedly being anticipated by United States patent number 6,477,624 to Kedem, et al. [hereinafter referred to as Kedem et al.].

a. Claim 3

In the Office action it was alleged that Kedem et al. teach:

intercepting sector-based I/O requests directed to the simulated source disk and retrieving source disk data from the source disk according to the intercepted sector-based I/O requests (see Column 9:9-15, “... LDIM 202 functions to intercept requests (for example, read/write requests) that are intended to be received by storage device 110. After a master data image is selected, upon intercepting a read request, LDIM 202 is programmed to determine whether the cached data image or the selected master data image

has the most up to date version of the requested data.”). (office action page 8)(italics in the original)

Firstly, the LDIM 202 does not intercept I/O requests directed to a simulated source disk. As indicated by the quoted text of Kedem et al. in the Office action, LDIM 202 intercepts read/write requests directed to the *storage device* 110. This is opposite to the claimed invention in which the I/Os to the simulated disk are intercepted. Moreover, it is clear that Kedem et al. fail to suggest the claimed features, because Kedem et al. teach that all changes to the master data image are stored in a list on the LDIM 202 so that a comparison can be made between data being accessed in the storage device and the corresponding data on the master data image. (See. Col. 9, lines 11 to 27). Intercepting I/O access to the simulated disk, assuming *arguendo* that the master data image corresponds to the simulated disk, would not enable the LDIM 202 to determine that the most up to date version of the requested data was available on the storage device 110 to send to the requesting device. Without having a request for the storage device 110, there would be no address to compare with the list by which to determine the version status of the data to be sent. In addition, the claimed invention makes clear that data from the source disk is transmitted according to the intercepted I/O requests to the simulated disks and not due to a comparison as required by Kedem et al. Therefore, based upon the foregoing Applicants contend that claim 3 is neither anticipated by Kedem et al.

b. Claim 18

Claim 18 defines a system that includes, *inter alia*, a network loopback driver intercepting sector-based I/O requests directed to a simulated source disk and retrieving source disk data from a source disk according to intercepted sector-based I/O requests intercepted by the network loopback driver, defining intercepted sector based I/O requests. Applicants respectfully contend that the arguments set forth above with respect to claim 3 apply with equal weight there. Therefore, claim 18 defines a system suitable for patent protection.

5. Claim Rejections – 35 U.S.C. § 103

Claims 16 and 27 were rejected as allegedly being obvious in view of Kedem et al. in view of United States patent number 5,991,542 to Han et al. Claim 16 defines a method that includes, *inter alia*, the features of intercepting sector-based I/O requests directed to the simulated source disk and retrieving source disk data from the source disk according to the intercepted sector-based I/O requests. Claim 27 defines a system that includes, *inter alia*, a network loopback driver intercepting sector-based I/O requests directed to the simulated source disk and a network adapter forwarding the intercepted sector-based I/O requests to the first computer. Applicants submit that the arguments set forth above with respect to claims 3 and 18 apply with equal weight here. Therefore a *prima facie* case of obviousness is not present with respect to either claims 16 or 27.

6. Dependent Claims 2, 4-15, 19-25

Considering the above-identified dependent claims include all of the features of the independent claims from which they depend, these dependent claims are patentable to the extent that the independent claims are patentable. As a result, Applicants respectfully contend that a *prima facie* case of neither anticipation nor obviousness is present with respect to the dependent claims for the reasons set forth above with respect to the independent claims.

7. New Claims 28-52

Newly added claims 28-52 relate to various novel aspects of disk image deployment. No new matter has been introduced by these amendments.

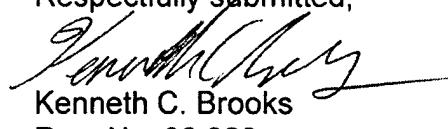
8. Relief Requested

It is respectfully requested that the claims be examined in view of the amendments and remarks made above. A notice of allowance is earnestly solicited. If the Examiner has any questions or needs any additional information, the Examiner is invited to contact the undersigned. Please note that the Office is requested to charge the three months extension of time to respond to deposit account number 502811. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 502811.

Date: January 3, 2008

VMware, Inc.

Respectfully submitted,



Kenneth C. Brooks
Reg. No. 38,393